IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.54 of 2006

Ramakant Govind Patkar .. Petitioner

Mr.Amit Sheth for Petitioner

CORAM : SMT R.S.DALVI, J

DATED : 10th January, 2007

P.C.

1. The petitioner is the paternal uncle of the two minors who are daughter and son of his deceased brother. The minors live with the petitioner's family and are maintained by the petitioner. The minors are entitled to death cum-retirement benefit of Rs.1,00,000/- of their father from Naval Dockyard, Mumbai. That amount has not been disbursed by Naval Dockyard, Mumbai as they are still minors. They have called upon the petitioner to open a pension a/c in the daughter's name and a savings bank a/c in the son's name in any nationalised bank. The petitioner has already opened a savings bank a/c in the name of the son of his deceased brother Nikhil Patkar. The petitioner has not opened any a/c in the name of the daughter

of his deceased brother Krutika Patkar. The petitioner shall also opened a pension a/c in the name of the daughter of his deceased brother as mentioned in the letter of the Naval Dockyard, Mumbai dated 13th September, 2004 Exhibit H to the petition.

2. It is the contention of the petitioner that all the pension amounts are required to be credited to a separate a/c for the sake of convenience and the death-cum-retirement benefit of Rs.1,00,000/- and P.F. amount and other dues payable to his deceased brother will be credited to another a/c and hence, the two a/cs are required to be opened in the names of the said two children.

3. The petition is made absolute in terms of prayer clause (a).

4. The petitioner shall open another a/c which will be pension a/c in the name of the daughter of his brother Krutika Patkar in any nationalised bank.

5. Naval Dockyard, Mumbai shall credit the pension amounts payable each month to the a/c in the name

of Krutika Patkar so opened by the petitiioner.

6. Naval Dockyard, Mumbai shall credit the death-cum-retirement benefit of Rs.1,00,000/-, P.F. amount and any other dues if any, payable to the petitioner's deceased brother in A/c No.59219 opened in the name of the petitioner's brother 's son Nikhil Patkar in Union Bank of India, Mumbai.

7. It is clarified that both the children shall be equally entitled to the amounts credited to both these a/cs.

8. The petitioner shall be entitled to withdraw the amount of Rs.1,00,000/- towards death-cum-retirement benefit and the amount of P.F. and invest the same in F.D.R. in the names of the two minors Nikhil and Krutika showing him as guardian. The petitioner shall be entitled to receive interest that accrues due on the F.D.R.each quarter for the maintainance of the two children.

9. Petition is disposed of accordingly.

(Smt R.S.Dalvi,J)